

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ATHEAL PIERCE,**

**Debtor/Appellant,**

**vs.**

**CURTIS C. REDING,  
Chapter 13 Trustee,**

**DISTRICT COURT  
APPELLATE CASE NO.  
05-CV-1014**

**CHAPTER 13 CASE NO.  
05-31205-DHW.13**

**Appellee,**

**ON APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA FROM THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**TRUSTEE/APPELLEE MOTION TO DISMISS APPEAL**

**COMES NOW**, the Trustee in the above styled cause, Appellee in the above-referenced appeal, by and through the undersigned counsel, and moves this Honorable Court to dismiss the Debtor/Appellant's appeal and as grounds therefore states as follows:

1. The debtor's appeal is not timely filed pursuant to *Rule 8002 Federal Rules of Procedure*.
2. The debtor did not file his designation for the record on appeal in a timely manner pursuant to *Rule 8006 Federal Rules of Procedure*.
3. The debtor did not pay the filing fee for the appeal to the Clerk of the Bankruptcy Court.

Respectfully submitted this 28<sup>th</sup> day of October 2005.

CURTIS C. REDING, JR.  
STANDING CHAPTER 13 TRUSTEE

BY: /s/ Sabrina L. McKinney  
SABRINA L. MCKINNEY (MCK041)  
Alabama State Bar #ASB-3162-I71S  
STAFF ATTORNEY FOR THE TRUSTEE

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have mailed a copy of the foregoing TRUSTEE'S MOTION TO DISMISS APPEAL upon the following listed parties by placing a copy of same in the United States Mail, postage pre-paid and properly addressed this 28th day of October 2005.

/s/ Sabrina L. McKinney  
SABRINA L. MCKINNEY

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